

## **REDUNDANCY PROCEDURE**

### **1 POLICY STATEMENT & SCOPE**

- 1.1** Recognising that its employees are its most important resource, The College is committed to maintaining security of employment for all its employees. Where circumstances (arising from economic, technical or organisational factors) make it necessary to reduce or change staffing levels, the College will seek to avoid the need for compulsory redundancies.
- 1.2** Recognising however, that this is not always possible, the purpose of this procedure is to provide a formal framework for ensuring that redundancy is managed in a fair, consistent and constructive manner.
- 1.3** For the purposes of this procedure, redundancy arises when the requirements of the College for employees to carry out work of a particular kind in the place where they are employed have ceased or diminished, or are expected to do so.
- 1.4** This procedure may, after consultation with the recognised trade unions, be amended at any time by the College.
- 1.5** Once this procedure has been instigated, the employee(s) will have the right to be accompanied by a representative of a trade union or work colleague at any meeting held in connection with any stage of the procedure.
- 1.6** Consistent with the fact that meetings and hearings held in connection with this procedure are internal proceedings, external representatives such as solicitors or family members will not be permitted to attend.
- 1.7** The definition of a manager for the purposes of this procedure is any officer of the College, including Service Directors and Heads of Academic Departments, with line management responsibility for one or more member of staff.
- 1.8** Managers operating any part of this procedure must consult with and involve appropriate members of Human Resources at every stage of its application.
- 1.9** This procedure applies to all full-time and part-time employees.
- 1.10** For academic staff, this procedure constitutes the relevant Regulations in respect of Redundancy matters under paragraph 2 of Statute 18 of the College's Charter and Statutes.

## **2 MEASURES TO MINIMISE COMPULSORY REDUNDANCY**

- 2.1** Where reorganisation or staffing reductions are anticipated, careful planning will be undertaken and a range of measures considered to mitigate the necessity for redundancies.
- 2.2** These measures may, where appropriate, include:-
- consideration of alternative cost saving measures;
  - the reduction of staff numbers by natural wastage and/or the restriction of recruitment or overtime;
  - voluntary reductions in hours or consideration of job sharing;
  - consideration of redeployment to suitable alternative posts (with re-training where appropriate); and
  - consideration of individual requests for voluntary redundancy or early retirement;
- 2.3** Discussions on appropriate measures to avoid compulsory redundancies will take place as part of the consultation process set out in section 2 below.

## **3 CONSULTATION**

- 3.1** The College recognises its legal obligations to consult with recognised trade unions when proposals arise for the possible redundancy of 20 or more staff within a period of 90 days. Whilst recognising the importance to all parties of flexibility in cases involving a limited number of employees, the College will, wherever possible, apply the same principle to redundancies involving less than 20 staff.
- 3.2** Council will be asked to ratify any proposal to enter into redundancy consultation where 20 or more academic staff (as defined in Statute 18) are at risk of redundancy.
- 3.3** These collective consultations will be undertaken with appropriate recognised trade unions in good time and they will, in any event, begin at least 45 days before the first redundancy takes effect where 100 or more employees are to be proposed for redundancy. Where 20 or more employees are to be proposed for redundancy, they will begin at least 30 days before the first redundancy takes effect.
- 3.4** The consultation will be undertaken with a view to reaching agreement and will include ways of:-
- avoiding the redundancies;
  - reducing the number of employees to be dismissed; and
  - mitigating the consequences of any dismissals.
- 3.5** At the outset of the consultations, the College will notify local and regional representatives of the recognised trade unions in writing of:-
- the reasons why the need for redundancies has arisen;
  - the numbers and descriptions of employees proposed for possible redundancy;
  - the total number of employees of these descriptions;
  - the proposed method of selection for redundancy;
  - the procedure for carrying out any dismissals, including the timescale to be used; and
  - the proposed method of calculating redundancy payments.
- 3.6** The timescale will allow recognised trade unions time to consider proposals, seek views and make representations, depending upon the particular constraints of the circumstances. Formal consultation will be deemed to have commenced from the date of this notification.

- 3.7** Individual consultation with employees will take place regardless of the number of employees affected.
- 3.8** Where it appears that redundancies will be necessary, the manager concerned will convene a meeting of the staff of the area(s), or of the individual(s) affected to explain the position.
- 3.9** The College will then write to each employee concerned, confirming the reasons why they have been identified for proposed redundancy. The employee(s) will be invited to a further meeting with the Manager to discuss the circumstances and make any personal representations before any decision is made. At least three working days notice of this meeting will be given, and the employee will be informed of their right to be accompanied by an official of a trade union or a work colleague. A Human Resources representative will also attend this meeting.
- 3.10** Within five working days of this consultation process having been completed, the affected employee(s) will be informed in writing of the outcome. If the employee has been selected for redundancy, the letter will:-
- inform them of the circumstances leading to the decision to make redundancies;
  - set out a summary of the action taken by the College and an account of the selection processes used;
  - why the employee has been selected for redundancy;
  - set out details of their entitlement to a redundancy payment and any other benefits; and
  - notify them of their right to appeal.

Employees will be selected for redundancy as set out in section 4.

#### **4 SELECTION FOR REDUNDANCY**

- 4.1** The College will set the criteria for selection of staff to be proposed for redundancy and any weightings of factors to be applied. These criteria will be discussed with the recognised trade unions or individual staff as appropriate. The criteria to be used will be reasonable, objective, transparent and non-discriminatory, and may include: relevant skills, aptitudes, knowledge and experience.
- 4.2** In certain circumstances the determination of selection criteria may be unnecessary, for example, if a particular role or organisational unit is to be made redundant, and that role is, or the functions of the unit are, unique.
- 4.3** Where appropriate, the staff in the affected area(s) will be invited to contribute to a 'skills audit' to ensure that information held about individuals is up to date.
- 4.4** 'At risk' staff will then be assessed against the selection criteria by the Manager, with the assistance of appropriate staff from Human Resources, to determine those whose employment is to be terminated on grounds of redundancy.

#### **5 NOTICE OF DISMISSAL ON GROUNDS OF REDUNDANCY**

- 5.1** A member of staff whose employment is terminated on grounds of redundancy is entitled to receive his/her contractual or statutory notice, whichever is the greater. In addition to this, the College's current policy is to give a further one month's notice.

## **6 ALTERNATIVE EMPLOYMENT**

- 6.1** The College will attempt to redeploy staff facing redundancy to suitable posts elsewhere in the organisation. Employees 'at risk' of redundancy will be invited to express any preferences for alternative posts, locations or working arrangements so that these may be taken account of wherever possible.
- 6.2** The College will take all reasonable steps to notify staff 'at risk' of redundancy of suitable alternative vacancies. Where practicable, staff who have expressed preferences for alternative work will be invited to apply for available vacancies. Where appropriate, training will be provided to enable the employee to undertake the full range of duties of the post involved.
- 6.3** Where an offer of alternative employment involves a change in the type of work or the terms of employment, the employee is entitled to a trial period of four weeks in the new post to enable both the employee and the College to assess the post's suitability. This may be extended in appropriate circumstances. Where an individual transfers to a different post, their continuity of service will be maintained.
- 6.4** If during the trial period either the College or the employee gives notice that the new post is not considered suitable, the employee will be regarded as having been dismissed on grounds of redundancy. The redundancy package which will apply refers to the date of termination of the original contract and the redundant post.
- 6.5** If an employee were to unreasonably refuse an offer of suitable alternative employment, they may forfeit their right to a redundancy payment.

## **7 REDUNDANCY PAYMENTS**

- 7.1** Employees who have at least two years' continuous employment with the College are entitled to a redundancy payment. The statutory redundancy payment is a multiple of the employee's final week's pay – subject to a statutory cap. For more information on the statutory cap please refer to the directgov website.
- 7.2** The payment is calculated according to the employee's number of full years' continuous service (up to a maximum of 20 years), as follows:-

For each complete year between 18 and 21	½ a week's pay
For each complete year between 22 and 40	1 week's pay
For each complete year at age 41 and over	1 ½ times a week's pay

- 7.3** The College will enhance the statutory entitlement in two ways. Firstly by using the employee's actual (gross) week's pay, and secondly by doubling the multiplier for the number of weeks pay used in the calculation.
- 7.4** For the purposes of calculation of an actual 'week's pay' overtime and all contractual and non-contractual bonuses, allowances and other payments will be disregarded. London Allowance will be included in the calculation.

7.5 Where an employee is eligible for a redundancy payment, the College will provide a written statement of how the proposed payment has been calculated, see also paragraph 8.1.

## **8 ASSISTANCE TO REDUNDANT STAFF**

8.1 Provided they continue to perform their duties in an effective and responsible manner for the remainder of their employment with the College, any employee given notice of redundancy will be given reasonable time off with pay, by agreement with their line manager, to seek alternative employment or training opportunities and will, wherever practicable, be allowed to bring forward the date of their termination of employment if offered another job, which begins before the date that their notice is to expire. This may affect the amount of redundancy payments due to the employee, and therefore advice should be sought from HR before the decision is confirmed.

8.2 The College will endeavour to assist redundant employees in seeking alternative employment so far as reasonably practicable by, for example:-

- providing general advice and counselling to individual staff in dealing with redundancy and obtaining alternative employment;
- giving reasonable access to College facilities for the preparation of CV's and job applications;
- providing appropriate support for re-training.

## **9 VOLUNTARY REDUNDANCY & EARLY RETIREMENT**

9.1 Where an employee in a group or area identified as being 'at risk' of redundancy so requests, the College will consider terminating their employment on the basis of voluntary redundancy – such consideration taking into account the cost to the College and its anticipated staffing needs. The employee will also need to consider carefully whether this is the most appropriate course of action for them financially (for example, in respect of any mortgage or insurance arrangements they may have), seeking appropriate professional advice where necessary. Although such considerations are ultimately the responsibility of the employee, the College will seek to ensure that the employee has given proper consideration to these matters before granting such a request. Where such a request is granted, the College will make a redundancy payment as set out in section 7 above.

9.2 Where an employee in a group or area identified as being 'at risk' of redundancy meets the criteria for eligibility for early retirement set by the appropriate pension scheme, the College will, at the employee's request, consider agreeing to their early retirement on grounds of voluntary redundancy – such consideration taking into account any cost to the College and its anticipated staffing needs.

9.3 Where such early retirement is granted, the College will offer a severance package comprising access to the employee's accrued retirement benefits under the pension scheme, plus a voluntary redundancy payment in accordance with section 6 above. Subject to the current rules as to taxation of payments into pension schemes and to the rules of the scheme, the College will, at the individual's request, consider paying some or all of the termination payment into their pension scheme to enhance their retirement benefits.

9.4 Estimates of the payments and benefits available to staff in 'at risk' groups or areas who are considering applying for voluntary redundancy or premature retirement will be provided on request.

## **10 ASSISTANCE TO STAFF LIVING IN COLLEGE ACCOMODATION**

- 10.1** The College recognises the difficulties faced by members of staff who as a result of redundancy, have to vacate accommodation provided by the College. The College undertakes to deal with each member of staff reasonably and sensitively.
- 10.2** Where a member of staff occupying accommodation provided by the College is dismissed, or takes early retirement, on grounds of redundancy, the College's current policy is to permit them to remain in the accommodation for a period of three months beyond the expiry of their termination of employment on the same terms as their existing licence to occupy the premises, save that such occupation will be rent free.

## **11 NOTIFICATION TO THE SECRETARY OF STATE**

- 11.1** Human Resources will fulfil the College's obligation to give appropriate advance notification of the proposed redundancies to the Secretary of State for Trade & Industry in accordance with current legislative requirements.

## **12 EQUAL OPPORTUNITIES**

- 12.1** The application of this policy and procedure will be monitored and reported on annually to Council as part of the Equality & Diversity Report. The impact of any redundancies the Dignity at Work Policy and Procedure on the College's statutory equality public duties will be considered in the context of the College's Single Equality Scheme.

## PART 2 - APPEALS

### 13 THE PURPOSE OF AN APPEAL

- 13.1** Employees facing termination of their employment on grounds of redundancy are entitled to appeal, and to be represented at the appeal hearing by a trade union representative or work colleague.
- 13.2** If the appellant is able to demonstrate that the decision to select him/her for redundancy was unfair, the appeal is the means by which such a decision is formally withdrawn or amended. If they are unable to do so, the fairness of the decision will be confirmed and upheld.
- 13.3** The appellant will be required to state clearly the grounds of their appeal. The College reserves the right to rule the appeal out of order and not to allow it to proceed if the employee fails to meet this requirement.
- 13.4** The function of an appeal is not to conduct a full rerun of the redundancy selection process, though it is inevitable that reference will have to be made to the earlier stages of it.

### 14 NOTIFICATION OF APPEAL HEARINGS

- 14.1** An employee wishing to appeal against a decision to terminate their employment on grounds of redundancy should inform the Director of Human Resources in writing. They should state the full grounds of their appeal and provide all necessary supporting documentation. This should normally be done within ten *working days* of receipt of written confirmation of redundancy as set out in paragraph 24 above.
- 14.2** If the appellant feels it will be difficult to comply with this deadline (perhaps because of the need to gather together documentation or to contact witnesses), they should lodge a provisional notification of appeal together with an indication of the amount of time they require to fully prepare their case. If this is deemed reasonable an extension of the deadline will be agreed. Failure to submit a provisional notification of appeal within the ten day deadline may result in the appeal being disallowed.
- 14.3** An appeal hearing will normally be convened within *twenty working days* of receipt of notification by the Director of Human Resources of the employee's decision to appeal. A copy of the appellant's written statement will be passed to the manager who selected the employee for redundancy.
- 14.4** The manager will prepare a written response to the appeal, which s/he will present at the appeal hearing. A copy of this statement will be sent to the appellant, together with details of the date, time and location of the hearing, not less than *five working days* prior to the hearing.
- 14.5** If the appellant wishes to be accompanied at the appeal by a trade union representative or work colleague, it will be their responsibility to provide Human Resources with the name of their representative, and to provide that person with all information and documentation relating to their appeal. This will include the date and time of the hearing.
- 14.6** Where the appellant's representative cannot attend on the date proposed, the College will offer an alternative date and time, but it may not be possible to do this more than once.

## **15 AUTHORITY TO HEAR AN APPEAL**

- 15.1** A senior manager, not previously connected with the decision to terminate the appellant's employment on grounds of redundancy will be nominated by the Principal to hear the case. The Principal may at his/her absolute discretion decide to hear the appeal him/herself.
- 15.2** In cases of academic staff (as defined in Statute 18), an appeal will be heard by a panel made up of the Principal (or the Principal's nominee - see below) and a person not employed by the College holding, or having held, judicial office or being barristers or solicitors of at least 10 years' standing. In the event of disagreement between the members of the panel the Principal's decision shall be final. Where the Principal determines not to hear the appeal in person, authority to hear the appeal will normally be delegated to the Deputy Principal or appropriate Vice-Principal.

## **16 ROLES AND RESPONSIBILITIES OF THE OTHER PARTICIPANTS**

### **16.1 The Appellant**

Having set out the written grounds of their appeal beforehand, the appellant must concentrate on the issue(s) that the appeal has been called to consider. They must not attempt to present all the facts of the case afresh.

### **16.2 The Appellant's Trade Union Representative/Work Colleague**

If the appellant is to be accompanied, it must be agreed before hand whether that person is to do so as a "representative", i.e. to speak for them, or as their "companion", i.e. to support them and act as witness to the proceedings.

### **16.3 The Responding Manager**

Having set out their written response to the appellant's case beforehand, the role of the responding manager is to summarise why their decision to select the appellant for redundancy was reasonable, given the circumstances.

### **16.4 The HR Adviser**

A senior member of Human Resources will advise those hearing the appeal on matters of procedure, Employment Law and best practice. HR will also provide an administrator to act as clerk to the hearing and take a record of proceedings.

## **17 CONDUCT OF APPEAL HEARINGS**

- 17.1** The manager hearing the appeal will consider the written submissions of the appellant and responding manager, together with any oral statement both might wish to make. Both sides may question each other and call and question witnesses in support of their case. If witnesses are called, they may only remain at the hearing for the period of their evidence and questioning. At the end of the appeal, both sides will be given the opportunity to sum up.



**17.2** The hearing will then be adjourned while the facts of the case are considered and a decision made by the manager hearing the appeal. If deemed necessary by the manager hearing the appeal, the adjournment may be extended to allow further investigation to take place.

**17.3** Normally, the hearing will be reconvened and the decision conveyed verbally to the appellant and confirmed in writing. In some circumstances, for example complex cases involving the assessment of a substantial volume of evidence or information, the manager hearing the appeal may decide not to convey their decision to the appellant verbally, and to advise him/her of it in writing only. In either case, written confirmation of the outcome of the hearing will be provided to the appellant normally within ten working days of the hearing. He or she will also be advised that the outcome of their appeal marks the end of internal consideration of their case.

## **18. OUTCOME OF APPEAL**

**18.1** The possible outcomes under this procedure are as follows:

- To allow the appeal and overturn the decision to select the appellant for redundancy.

*OR*

- To dismiss the appeal